

## **Corrective Action Procedures for Family Day Care Home Providers**

**Implementation October 1, 2004**

The following corrective action procedures have been developed as the result of direction from the United States Department of Agriculture (USDA). All sponsors must follow this process.

It is the responsibility of the Family Day Care Home (FDCH) sponsor to provide sufficient training and technical assistance during the pre-approval and 30-day follow-up visits to assure successful participation for all providers. Technical assistance must be documented and provided during the early stages of program participation.

Corrective action procedures may take into consideration the following special extenuating circumstances: new participants on the program, language barriers and literacy barriers, or other documented special circumstances. These circumstances may require extra technical assistance. Once a problem is identified, extra technical assistance must be provided and documented at least monthly. Technical assistance may continue as long as providers are showing improvement. Documentation must indicate when the provider has completed corrective action, or, if no improvement is made, the provider must be declared seriously deficient.

It is the sponsor's responsibility to take a deficient provider through the seriously deficient process with an opportunity for corrective action to occur. Should the sponsor refuse/fail to implement the seriously deficient process could potentially be declared seriously deficient and placed on the National Disqualified List.

The deficiencies listed under each CFR are common examples. This should not be interpreted as an exhaustive list. Other actions could also be considered deficiencies.



DEFICIENCY	FDCH SPONSOR ACTION	PROVIDER ACTION
<b>1. SUBMISSION OF FALSE INFORMATION – 7 CFR 226.16(1)(2)(i&amp;ii)</b>		
	<b>FIRST OCCURRENCE: START CORRECTIVE ACTION</b>	<b>FIRST OCCURRENCE: CORRECTIVE ACTION STARTED</b>
<ul style="list-style-type: none"> <li>• Foods observed at a visit did not match the foods on the claim.</li> <li>• Children observed at visit did not match those on the claim and/or attendance record.</li> <li>• Meals claimed for children were not observed during visit.</li> <li>• Dinner not served on visit day, but is served every other day.</li> <li>• Weekend meal not served on visit day, but it is on all other weekends.</li> <li>• The in/out times on the attendance do not match what was observed or usually claimed.</li> <li>• Some children gone so unable to observe a shift that is always claimed and/or shift not able to be observed.</li> <li>• Claim school hours on Saturdays and holidays.</li> <li>• Fewer or no kids present when visit attempted for a meal that is usually claimed.</li> </ul>	<ol style="list-style-type: none"> <li>1. Deduct meals.</li> <li>2. Within one month of finding, conduct an unannounced follow-up visit for explanation and technical assistance.</li> <li>3. Conduct parent verifications, if appropriate.</li> <li>4. Require parent sign-in/out forms, if appropriate.</li> </ol> <p><b>RECURRENCE AFTER TECHNICAL ASSISTANCE</b></p> <ol style="list-style-type: none"> <li>1. Revoke shift, dinner, and/or weekend claiming privilege, if appropriate.</li> <li>2. Begin serious deficiency process by sending first letter.</li> </ol>	<ol style="list-style-type: none"> <li>1. Provide written explanation of cause and a written corrective action plan to prevent the same problem in the future. Must provide response by specified date.</li> <li>2. Always record menu and record meal counts at point of service.</li> <li>3. Always record attendance daily.</li> </ol> <p><b>RECURRENCE AFTER TECHNICAL ASSISTANCE</b></p> <ol style="list-style-type: none"> <li>1. As above with any additional instructions in the serious deficiency notice.</li> <li>2. Sponsors must request providers who serve dinner/evening snacks/weekends sporadically to submit schedules.</li> </ol>
<ul style="list-style-type: none"> <li>• Block claiming noted—same numbers claimed consistently and not verified by visits.</li> </ul>	<ol style="list-style-type: none"> <li>1. Conduct parent verifications.</li> <li>2. Require parent sign-in/out sheets if parent verifications are inconclusive.</li> <li>3. If any discrepancies are discovered, begin seriously deficient process by sending first letter and recover meal reimbursement.</li> </ol>	

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<b>2. FAILURE TO MAINTAIN ADEQUATE RECORDS – 7 CFR 226.18(e) and 226.16(l)(2)(v)</b>		
<ul style="list-style-type: none"> <li>Paperwork behind one or more days.</li> </ul>	Deduct meals and provide technical assistance.	
<ul style="list-style-type: none"> <li>Attendance recorded in advance.</li> <li>Meal count recorded in advance.</li> </ul>	<b>FIRST OCCURRENCE: START CORRECTIVE ACTION</b> <ol style="list-style-type: none"> <li>Deduct meals and provide technical assistance.</li> <li>Immediate unannounced follow-up visit.</li> <li>Two additional unannounced visits with no repeat of problems.</li> </ol>	<ol style="list-style-type: none"> <li>Always keep all paperwork current through previous day.</li> <li>Never record attendance or meal counts in advance.</li> <li>Any additional instructions in the serious deficiency notice.</li> </ol>
	<b>RECURRENCE AFTER TECHNICAL ASSISTANCE</b>  Begin serious deficiency process by sending first letter.	

DEFICIENCY	FDCH SPONSOR ACTION	PROVIDER ACTION
<b>3a. CLAIMING MEALS NOT SERVED TO PARTICIPANTS – 7 CFR 226.16(1)(2)(i&amp;ii) and 226.18(e) and 226.18(b)(4)</b>		
<ul style="list-style-type: none"> <li>Children claimed when no longer in care.</li> <li>Non-existent children claimed.</li> </ul>	<p><b>FIRST OCCURRENCE: START CORRECTIVE ACTION (do all four)</b></p> <ol style="list-style-type: none"> <li>Deduct meals.</li> <li>Immediate unannounced follow-up visit.</li> <li>Two additional unannounced visits (spaced at random) with no repeat of problems.</li> <li>Conduct parent verifications if attendance issues are significant.</li> <li>Require review of parent sign in/outs if parent verifications are inconclusive.</li> </ol> <p><b>IF DISCREPANCY CONFIRMED</b> Begin serious deficiency process by sending first letter.</p>	<p><b>FIRST OCCURRENCE: CORRECTIVE ACTION STARTED</b></p> <ol style="list-style-type: none"> <li>Provide written explanation.</li> <li>Tell about all children to be claimed, including children who are napping, already ate and left, or will be arriving late.</li> </ol> <p><b>IF DISCREPANCY CONFIRMED</b> As above, with any additional instructions in the serious deficiency notice.</p>
<ul style="list-style-type: none"> <li>Meals claimed for children for times/days parents say they were not in care.</li> </ul>	Same as above (3a) with a second parent verification conducted after 4-6 months.	Ensure that parents record accurate in/out times. Never claim children when they are gone—even temporarily.

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<b>3b. CLAIMING MEALS SERVED OVER CAPACITY/FAILURE TO COMPLY WITH LICENSING STANDARDS – 7 CFR 226.18(a)</b>		
<ul style="list-style-type: none"> <li>Attendance in/out times show number of children present is over capacity.</li> <li>Number of children observed at visit was over capacity.</li> <li>Assistant not present when number of children present is over capacity.</li> <li>Too many children under two years old.</li> <li>Shifts of children not done correctly—overlap causes over capacity at times.</li> </ul>	<b>EVERY OCCURRENCE:</b> <ol style="list-style-type: none"> <li>Deduct meals and provide technical assistance.</li> <li>Report over capacity by phone and letter to child care licensor or licensing supervisor.</li> </ol>	<ol style="list-style-type: none"> <li>Be aware of license capacity. Take whatever measures necessary to stay within capacity or get a license exception from licensor.</li> <li>No overlap is allowed without a waiver.</li> <li>Always have assistant present when capacity requires it.</li> <li>Record all children in care, including your own children, on sign-in sheet, whether claimed or not. This includes infants, drop-ins, children not present at meal time, etc.</li> </ol>
<ul style="list-style-type: none"> <li>Not all children in care are recorded on the attendance roster.</li> </ul>	<b>FIRST OCCURRENCE: START CORRECTIVE ACTION</b> Provide technical assistance. <b>SECOND OCCURRENCE</b> <ol style="list-style-type: none"> <li>Immediate unannounced follow-up visit.</li> <li>Two more extra unannounced visits (spaced at random) with no repeat of problems.</li> <li>Verify capacity and conduct parent verifications.</li> </ol> <b>REOCCURRENCE AFTER TECHNICAL ASSISTANCE</b> Begin serious deficiency process by sending first letter.	<ol style="list-style-type: none"> <li>Record all children in care, including your own children, on sign-in sheet, whether claimed or not. This includes infants, drop-ins, children not present at meal time, etc.</li> </ol>
<ul style="list-style-type: none"> <li>Did not notify sponsor of changes in license (revocations, suspension, reduction, moved).</li> </ul>	<ol style="list-style-type: none"> <li>Deduct meals retroactively to discrepancy and provide technical assistance.</li> </ol>	<ol style="list-style-type: none"> <li>Submit valid license immediately.</li> <li>Notify sponsor of changes in license capacity, address, name,</li> </ol>

	2. Begin serious deficiency process by sending first letter.	etc.
<ul style="list-style-type: none"> <li>Children's health or safety is at risk.</li> </ul>	<b>SUSPEND IMMEDIATELY and</b> Confer with licensing agency.	Appeal rights.

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<b>3c. CLAIMING MEALS SERVED TO PROVIDER'S CHILDREN WHO ARE NOT ELIGIBLE – 7 CFR 226.18(e)</b>		
<ul style="list-style-type: none"> <li>• Provider's own children claimed – not income eligible.</li> <li>• Provider's own child is over 12 years old and still claimed.</li> </ul>	<b>FIRST OCCURRENCE: START CORRECTIVE ACTION</b> Deduct meals and provide technical assistance.	<ol style="list-style-type: none"> <li>1. Record own children on sign-in sheets only.</li> <li>2. Do not record any meals or fill in their numbers on the Meal Count Sheets.</li> <li>3. Take children off forms when they reach their thirteenth birthday.</li> </ol>
<b>4. SERVING MEALS THAT DO NOT MEET THE MEAL PATTERN – 7 CFR 226.20 and 226.16(l)(2)(iv)</b>		
<ul style="list-style-type: none"> <li>• Incomplete meal observed at a visit.</li> <li>• Portions served are obviously not sufficient.</li> <li>• Family style service foods or full portions not accepted or are not offered a second time.</li> </ul>	<b>FIRST OCCURRENCE: START CORRECTIVE ACTION</b> <ol style="list-style-type: none"> <li>1. Deduct meals not meeting the meal pattern or which contained insufficient portion sizes and provide technical assistance.</li> <li>2. Unannounced follow-up visit as needed.</li> </ol> <b>REOCCURRENCE WITH SIMILAR FOOD AFTER TECHNICAL ASSISTANCE</b> Begin seriously deficient process by sending first letter.	<ol style="list-style-type: none"> <li>1. Follow meal pattern requirements exactly. Request assistance when needed.</li> <li>2. Measure portions until familiar with appropriate amounts.</li> <li>3. Read manual, Guide to Crediting Foods, and the Food Buying Guide.</li> <li>4. Offer food to children at least twice if not accepted or if portion taken the first time is too small (family style).</li> <li>5. Complete paperwork accurately and carefully. Request help if you have any questions.</li> </ol>



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<b>5. FAILURE TO COMPLY WITH MONITORING REQUIREMENTS – 7 CFR 226.18(b)(8)</b>		
<ul style="list-style-type: none"> <li>Not home for attempted visit, but children claimed.</li> <li>Meal observation missed by monitor because it was served earlier or later than on agreement.</li> </ul>	<p><b>FIRST OCCURRENCE: START CORRECTIVE ACTION</b> Deduct meals. Request written explanation, and provide technical assistance.</p> <p><b>SECOND OCCURRENCE:</b></p> <ol style="list-style-type: none"> <li>Deduct meals.</li> <li>Immediate unannounced follow-up visit.</li> <li>Additional unannounced visits with no repeat of problems (spaced at random).</li> <li>Conduct parent verifications if attendance issues are significant.</li> <li>Lose shift/dinner/weekend privilege.</li> </ol> <p><b>REOCCURRENCE AFTER TECHNICAL ASSISTANCE:</b> Begin serious deficiency process by sending first letter.</p>	<p><b>FIRST/SECOND OCCURRENCE: CORRECTIVE ACTION STARTED</b></p> <ol style="list-style-type: none"> <li>Provide written explanation by specified date.</li> <li>Notify sponsor whenever meals will be served away from child care home.</li> <li>Notify sponsor immediately if meal times change.</li> </ol> <p><b>REOCCURRENCE AFTER TECHNICAL ASSISTANCE:</b> As above, with any additional instructions in the serious deficiency notice.</p>
<ul style="list-style-type: none"> <li>Assistant in charge did not have access to paperwork.</li> <li>Did not allow monitor in to do visits.</li> </ul>	<p><b>FIRST OCURRENCE: START CORRECTIVE ACTION</b></p> <ol style="list-style-type: none"> <li>Deduct meals</li> <li>Immediate unannounced follow-up visit.</li> </ol> <p><b>REOCCURENCE AFTER TECHNICAL ASSISTANCE:</b></p> <ol style="list-style-type: none"> <li>Deduct meals</li> <li>Begin serious deficiency process by sending first letter.</li> </ol>	<ol style="list-style-type: none"> <li>Always notify sponsor if you must cancel an appointment as soon as possible.</li> <li>Allow monitor to complete visit even if no children are present, unless there are special circumstances. A written explanation must be submitted immediately.</li> <li>Assistants must have access to all records, including computer programs.</li> </ol>
<b>6. FAILURE TO COMPLY WITH CIVIL RIGHTS LAWS – 7 CFR 226.6(b)(18)(iii)(E)(4)</b>		
<ul style="list-style-type: none"> <li>Refuse care for specific child due to age, disability, race, national origin, sex, color.</li> </ul>	<p>Provide resources, technical assistance. Remind provider of civil rights requirements in the CACFP.</p>	<p>Cannot discriminate.</p>

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<b>7. FAILURE TO ATTEND ANNUAL CACFP TRAINING - 7 CFR 226.18(b)(2)</b>		
<ul style="list-style-type: none"> <li>Did not attend sponsor's scheduled annual training.</li> </ul>	<ol style="list-style-type: none"> <li>Provider must attend sponsor's annual training or attend a special training at the sponsor office. Annual training conducted in a provider's home is only allowed for extenuating circumstances. Sponsor must contact SCN for approval.</li> <li>If training is refused and provider wishes to continue participation in the CACFP, begin serious deficiency process by sending first letter.</li> </ol>	<p>Provider must attend sponsor's scheduled annual training or be trained at the sponsor office.</p> <p>Submit written explanation if there are extenuating circumstances.</p> <p>Sponsor must contact SCN for approval to conduct special in-home training in the instance of extenuating circumstances.</p>
<b>8. ANY OTHER CIRCUMSTANCES RELATED TO NON-PERFORMANCE – 7 CFR 226.16(l)(2)(viii)</b>		
<ul style="list-style-type: none"> <li>Tiering – did not notify sponsor of changes that affect tier level (income, family size, etc.)</li> </ul>	<p><b>Do all four:</b></p> <ol style="list-style-type: none"> <li>Reclassify and deduct meals from incorrect tier. Meals and home must be claimed in correct tier. Provide technical assistance.</li> <li>Re-evaluate provider and tier.</li> <li>File revised claims reflecting change in meal counts and incorrect tiering status. Recover, if applicable, any overclaim due to tiering misclassification. Any underclaim must be paid to the provider.</li> <li>Begin serious deficiency process by sending first letter.</li> </ol>	<ol style="list-style-type: none"> <li>Always report to sponsor immediately any changes in family size or income (more than \$50 per month or \$600 per year).</li> <li>Provider submit written plan to prevent future invalid tiering.</li> <li>Repay all excess money received based on incorrect tiering.</li> </ol>
<ul style="list-style-type: none"> <li>Parent signatures on enrollments, parent verifications, etc. are not valid.</li> </ul>	<ol style="list-style-type: none"> <li>Deduct all meals for children involved.</li> <li>Conduct parent verifications for all children.</li> <li>Begin serious deficiency process by sending first letter.</li> </ol>	<ol style="list-style-type: none"> <li>Submit written explanation.</li> <li>Repay all money for meals claimed for children not enrolled and/or for unverifiable meals.</li> <li>Re-enroll all children with enrollments directly to sponsor from parents.</li> </ol>